

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested in view of the present amendment and the following discussion.

Claims 10-24 are active in this case, Claim 17 having been amended by the present Amendment, and Claims 1-9 having previously been canceled.

In the Final Official Action mailed on December 24, 2003, the arrangement of Applicants' Specification was objected to for the lack of proper identification of the different sections; FIG. 1 was objected to for the lack of a legend identifying it as "prior art;" Claims 14, 17-20, 23 and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bolnberger et al. (US Patent No. 4,718,415, hereinafter "Bolnberger"); Claims 10 and 16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bolnberger; Claims 11 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bolnberger in view of Kettl et al. (US. Patent No. 5,503,141, hereinafter "Kettl"); Claim 13 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bolnberger in view of Cappa et al. (US Patent No. 4,961,420, hereinafter "Cappa"); Claim 15 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bolnberger in view of Ansite et al. (US Patent No. 3,910,269, hereinafter "Ansite"); Claims 21 and 22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bolnberger in view of to Berman (US Patent No. 3,314,424, hereinafter "Berman").

In response to the objection to the Specification, Applicants have herein submitted amendments adding section headings thereto in compliance with the requirements of 37 C.F.R. §1.77(b). Accordingly, reconsideration to the outstanding objection to Applicants' Specification is respectfully requested.

FIG. 1 has been objected to for lacking a "prior art" legend. Applicants have submitted herein a replacement drawing sheet for FIG. 1, correcting the informalities noted by the Examiner and respectfully request reconsideration of the objection thereto. Applicants

respectfully submit that no new matter has been added to the above-referenced application by the replacement drawings submitted.

Applicants acknowledge with appreciation the courtesy of the interview granted to Applicants' representative on February 12, 2004. Amendment to Claim 17 as herein presented was proposed, and arguments as hereinafter developed were presented. During the interview it was explained that, in Bolnberger, the screw ring 9 provided to hold the speaking diaphragm 6 adjacent to the valve carrier 2 cannot anticipate the tubular mouth-piece of the present invention because the screw ring 9 of Bolnberger does not have a tubular structure and it is not adjacent to the flexible cap 1 as recited in Claim 17. It was explained that, with the recited structure for the mouth-piece, Applicant's invention achieves a "megaphone" effect, completely lacking in Bolnberger, by which the advantages discussed at page 2, lines 30-32 of Applicant's Specification¹ are achieved. Although the Examiner disagreed with Applicants' position, an agreement was reached that:

1) Recitation of "a conical tubular mouth-piece" would overcome Bolnberger as an anticipation reference.

Claim 17 has been amended to recite a conical tubular mouth-piece. In light of the agreement reached during the February 12, 2004 interview and the present amendment, Applicants respectfully request the withdrawal of the outstanding grounds for rejections.

Applicants respectfully submit that the proposed amendments to Claim 17 should be entered by the Examiner because the amendments are supported by the as-filed specification and drawings and do not add any new matter to the application. Further, the amendments do not raise new issues or require a further search.

¹ These features include the improvement of the acoustic characteristics of existing breathing masks, including sensitivity to parasitic noises, limited non-flat, pass-band response, acoustic saturation when the user speaks loudly and, in particular, unsatisfactory acoustic performance when the conditions of use are poor or when specific conditions, such as voice recognition, have to be implemented.

Application No. 09/831,899

Reply to Office Action of December 24, 2003

Consequently, in light of the above discussion, it is respectfully submitted that Claims 10-24 patentably define over the cited prior art and are in condition for allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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